

15 APR 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRUCE E. LILLING
LILLING & LILLING PLLC
P.O. BOX 560
GOLDEN BRIDGE NY 10526

In re Application of :
OZ :
Application No.: 10/527,249 : DECISION
PCT No.: PCT/IL2003/000751 :
Int. Filing Date: 18 September 2003 :
Priority Date: 30 September 2002 :
Attorney's Docket No.: 415/15 :
For: PISTON-ACTUATED ENDOSCOPIC TOOL :
:

This decision is in response to applicants' petition under 37 CFR 1.137(a) filed in the United States Patent and Trademark Office (USPTO) on 25 December 2007, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 18 September 2003, applicants filed international application PCT/IL2003/000751, which designated the United States and claimed a priority date of 30 September 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 April 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 March 2005.

On 09 March 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 August 2005, the DO/EO/US mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that additional claim fees of \$980 were required.

On 18 December 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 August 2005.

On 25 December 2007, applicants filed the instant petition.

DISCUSSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 12 August 2005 was mailed in error. No additional claim fees were due. Thus, the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 August 2005 is hereby VACATED. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 18 December 2007 is also hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition to withdraw the holding of abandonment is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 August 2005 is **VACATED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 18 December 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459